Case 2:08-cr-00125-DAK Document 377 Filed 11/04/10 Page 110f D Appellate Case: 10-4197 Document: 01018527220 Date Filed: 11/04/2012 Page: 1 United States Court of Appeals Tenth Circuit

## UNITED STATES COURT OF APPEALS November 4, 2010

## FOR THE TENTH CIRCUIT

Elisabeth A. Shumaker Clerk of Court

In re:	
BRIAN DAVID MITCHELL,	No. 10-4197 (D.C. No. 2:08-CR-00125-DAK)
Petitioner.	(D. Utah)
0)	RDER

Before TACHA, TYMKOVICH, and HOLMES, Circuit Judges.

Brian David Mitchell has filed a renewed petition seeking a writ of mandamus to compel the district court to transfer his case to another venue. We direct Mr. Mitchell and the government to file simultaneous briefs by 11:59 pm today that (1) inform the court whether a jury has in fact been empaneled; and (2) if a jury has been empaneled, what each party's position is on whether the petition for mandamus is moot.

Entered for the Court,

ELISABETH A. SHUMAKER, Clerk

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